IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 14417 of 2005

Between:

1 Malli Venkata Rao, S/o. Chanchaiah,
R/o. Narrawada Village, Duttaluru Mandal, Nellore District.
2 Sandireddi Mallikharjuna, S/o/. Nagaiah,
R/o. Narrawada Village, Duttaluru Mandal, Nellore District.
3 Nusum Suneel, S/o. Nagaraja,
R/o. Narrawada Village, Duttaluru Mandal, Nellore District.
4 Kotakonda Ramanaiah, S/o. Tirupalu,
R/o. Narrawada Village, Duttaluru Mandal, Nellore District.

..... PETITIONER(S)

AND

1 The Mandal Revenue Officer, Duttaluru Mandal, Nellore District.
2 The Narrawada Gram Panchayat, Rep by its Sarpanch, Narrawada, Duttaluru Mandal, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or an order, or a writ more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to dispossess the petitioners from their shops in Sy.No.169/1 in Narrawada Village, Duttalur Mandal, Nellore District.

Counsel for the Petitioner:MR.N.NARASIMHA RAO

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MR. K.UPENDER REDDY

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner, the learned Standing Counsel appearing for the 2nd respondent and the learned Government Pleader for Revenue appearing for the 1st respondent.

The learned Standing Counsel appearing for the 2nd respondent as well as the learned Government Pleader for Revenue appearing for the 1st respondent submitted that actually, the petitioners are in occupation of land in Survey No.168/1 but not 169/1 of Narrawada Village, Duttalur Mandal, Nellore District as stated in the affidavit. Survey No.169/1 is a patta land and the resolution filed by the petitioners is also a fake one. They further submitted that against the notice dated 21-06-2005 issued by the 1st respondent, the petitioners have filed O.S.No.164 of 2004 on the file of the learned Junior Civil Judge, Athmakur and the same was already dismissed. After dismissal, they have approached this Court by filing this writ petition. They have also submitted that as per the notice dated 21-06-2005 issued by the 1st respondent, the petitioners have given an undertaking that they are going to vacate the suit schedule land by 03-07-2005. Contrary to the said undertaking, the petitioners approached this Court and filed this writ petition. It is, therefore, not maintainable.

In view of the above stated facts and circumstances of the case, I am of the opinion that the petitioners have not approached this Court with clean hands.

The writ petition is accordingly, dismissed. No order as to costs.

12th JULY, 2005.

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To

1 The Mandal Revenue Officer, Duttaluru Mandal, Nellore District.
2 The Sarpanch, Narrawada Gram Panchayat, Narrawada, Duttaluru Mandal, Nellore District.

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.